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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,817	08/01/2003	Pao-Hsien Cheng	MR957-1368	1719
4586	7590	12/16/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			KLEBE, GERALD B	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/631,817	CHENG ET AL.
	Examiner	Art Unit
	Gerald B. Klebe	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4 and 5 is/are rejected.
- 7) Claim(s) 6-8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



9 Dec 2004

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .

Continuation of Attachment(s) 6). Other: examiner's mark-up of prior art figures(2 sheets).

DETAILED ACTION

Amendment

1. The amendment filed 11/23/2004 under 37 CFR § 1.111 has been entered. Claims 1-2, and 4-8 are pending in the application, claim 3 being cancelled by the amendment.

Withdrawal of prior indication of Allowable Matter

2. With apology by the examiner, the previously indicated allowability of claims 12-15 is withdrawn in view of the better understanding of the Applicant's claims and the relevance thereto of the already-cited prior art.

A reconsidered Office Action follows.

Claims Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 5421604) in view of Hook et al. (US 5678842).

Wu teaches as old and well-known (refer Figs 1-3, and the examiner's mark-up of copies of these figures provided in explanation that are attached hereto) a foldable golf bag cart comprising:

a main support member (refer examiner's mark-up of Figs 1 and 2, item A) having two wheeled supports (B) pivotally coupled thereto; a handle rod (C) pivotally coupled to an upper end of the main support member at a lower end thereof; two co-moving rods (D) pivotally coupled to the handle rod at upper ends of the two co-moving rods, and pivotally coupled to respective ones of the wheeled supports (B) at lower ends of the two co-moving rods, the handle rod (C) having a fixing hook (E) pivotally coupled thereto by means of a pivotal element (F), the main support member having an engaging protrusion (G) thereon, the fixing hook being engageable with the engaging protrusion to prevent the handle rod from moving relative to the main support member when the golf bag cart is in a stretched position (shown in Fig 2), the handle rod (C) having a through hole, and the fixing hook having a through hole, the pivotal element (F) being passed through the through holes of the handle rod and the fixing hook; and,

(re: claim 2) wherein the main support member has a plurality of connecting ears (H) with opposing pivotal hole formed therein, and the handle rod has a plurality of connecting ears (I) with opposing pivotal holes formed therein and a pivotal rod (J) passed through the opposing pivotal holes of the connecting ears of the main support member and the opposing pivotal holes of the connecting ears of the handle rod.

Wu is silent as to the pivotal element being a rod threaded on an end and threaded into a nut to make the connections.

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However, Hook et al. teaches a foldable bag cart (Figs 1 and 2, item 20) using bolts threaded at an end (Fig 2, item 20) into a threaded nut in order to pivotally secure the handle rod of the cart to the main support member of the cart.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of Wu to use threaded bolts and nuts passed through the complementary aligned holes of the ears of the main support member and handle rod and the fixing hook to pivotally connect the handle rod to the main support member and the fixing hook to the handle rod as an obvious design choice.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 5421604) in view of Abgarian (US 2784005).

Wu teaches as old and well-known (refer Figs 1-3, and the examiner's mark-up of copies of these figures provided in explanation that are attached hereto) a foldable golf bag cart comprising:

a main support member (refer examiner's mark-up of Figs 1 and 2, item A) having two wheeled supports (B) pivotally coupled thereto;

a handle rod (C) pivotally coupled to an upper end of the main support member at a lower end thereof;

two co-moving rods (D) pivotally coupled to the handle rod at upper ends of the two co-moving rods, and pivotally coupled to respective ones of the wheeled supports (B) at lower ends of the two co-moving rods, the handle rod (C) having a fixing hook (E) pivotally coupled thereto by means of a pivotal element (F), the main support member having an engaging protrusion (G) thereon, the fixing hook being engageable with the engaging protrusion to

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prevent the handle rod from moving relative to the main support member when the golf bag cart is in a stretched position (shown in Fig 2).

Wu lacks explicit disclosure of a torsion spring passed around the pivotal element and respectively connected at its ends to the fixing hook and to the handle rod.

However, Abgarian teaches a foldable golf bag cart having a handle (20) pivotable with respect to a main support member (10) about a pivotal element (refer to Fig 6, where the pivotal element is shown as an unnumbered cross-hatched circle around which the torsion spring 39 is mounted) and latchable with a fixing hook in a stretched position where the fixing hook is biased to the latched position by a torsion spring passed around the pivotal element and connected at its end to the fixing hook and to the handle rod.

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the fixing hook latching mechanism to include a torsion spring passed around the pivotal element and connected at one of its ends to the fixing hook and at its other end to the handle rod in accordance with the teachings of Abgarian in order to have the fixing hook spring-biased to latch closed around the engaging protrusion of the main support member so as to have the cart lock automatically into the stretch position when unfolding the cart for use.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 5421604) in view of Brown (US 2747637).

Wu teaches as old and well-known (refer Figs 1-3, and the examiner's mark-up of copies of these figures provided in explanation that are attached hereto) a foldable golf bag cart comprising:

a main support member (refer examiner's mark-up of Figs 1 and 2, item A) having two wheeled supports (B) pivotally coupled thereto; a handle rod (C) pivotally coupled to an upper end of the main support member at a lower end thereof; two co-moving rods (D) pivotally coupled to the handle rod at upper ends of the two co-moving rods, and pivotally coupled to respective ones of the wheeled supports (B) at lower ends of the two co-moving rods, the handle rod (C) having a fixing hook (E) pivotally coupled thereto by means of a pivotal element (F), the main support member having an engaging protrusion (G) thereon, the fixing hook being engageable with the engaging protrusion to prevent the handle rod from moving relative to the main support member when the golf bag cart is in a stretched position (shown in Fig 2).

Wu lacks explicit disclosure of cover fitted over the fixing hook.

However, Brown teaches a foldable golf bag cart having a fitted cover that covers the entire golf bag cart and which when used, clearly would cover the fixing hook of the golf bag cart taught by Wu as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of Wu to include a cover for the bag cart in accordance with the teachings of Brown in order to protect the entire cart and its contents and including its attachments and working parts such as the fixing hook when the cart was stowed away and not in use.

Allowable Subject Matter

7. Claims 6- 8 are objected-to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Indicated Allowable Matter

8. The following is a statement of reasons for the indication of allowable subject matter:
The limitations recited in each of the dependent claims 6, 7 and 8 when combined with the recited limitations of their respective independent claims are not found in the prior art of record nor may be derived or construed from any reasonable combination of the prior art of record.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Prior Art made of Record

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Wu (-589), of Wagner, and of Nelson each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

Conclusion

11. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

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Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gbklebe
gbklebe Art Unit 3618 / 9-Dec-04

Attachments: Examiner's mark-up of Figs 1 and 2 of US Patent 5421604 (2 sheets)

C.P. Ellis
CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

U.S. Patent

June 6, 1995

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5,421,604

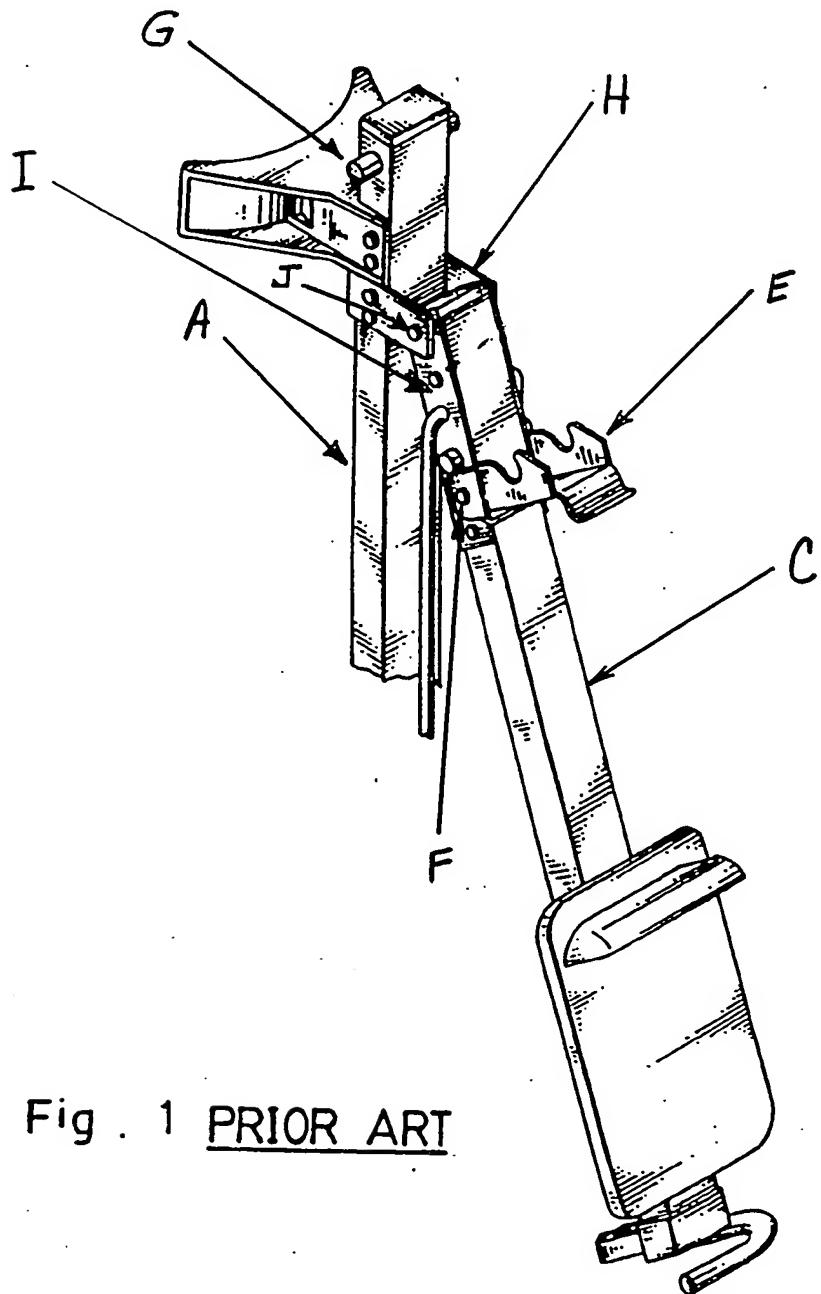


Fig. 1 PRIOR ART

RELATIVE TO CASES/N 10/631817
EXAMINER'S MARK-UP OF FIGURES OF PRIOR ART
REFERENCE CITED IN OFFICE ACTION DATED 9 DEC 2004

U.S. Patent

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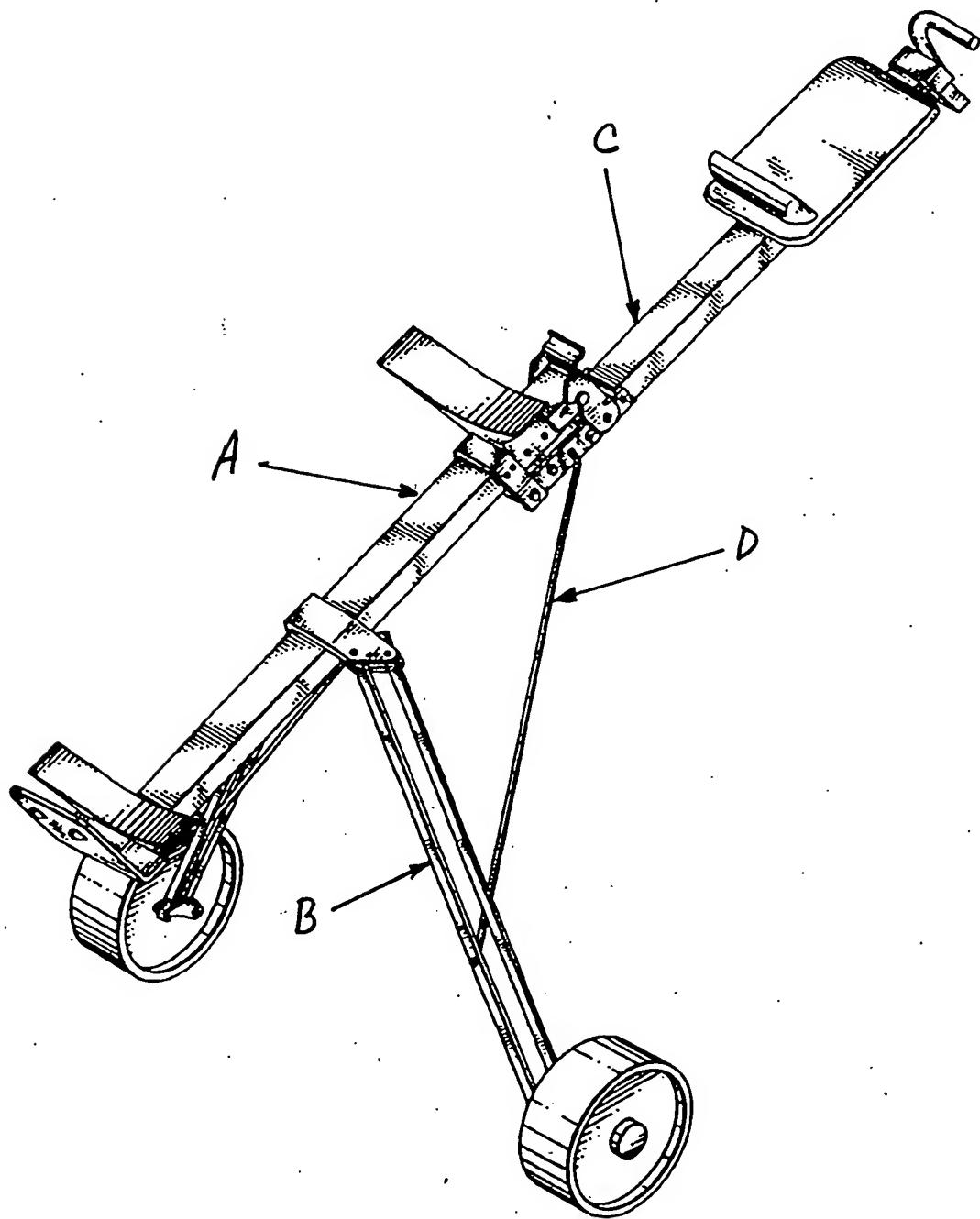


Fig. 2 PRIOR ART